

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Perry J. Rowan
Rose M. Rowan
fka Rose M. Lohr**
Debtor(s)

Bankruptcy Case No.: 16-24757-CMB
Issued Per April 4, 2019 Proceeding
Chapter: 13
Docket No.: 142 – 72, 139
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 14, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,235 as of April 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ford Motor Credit Co. at Claim No. 13 as a long term debt; Bank of America at Claim No. 19 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
The claim of Caterpillar Financial Services Corp. at Claim No. 17-2 shall not be paid due to surrender of collateral.
The interim confirmation order at Dkt. No. 139 is moot.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: April 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Perry J. Rowan
Rose M. Rowan
DebtorsCase No. 16-24757-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 3
Total Noticed: 59

Date Rcvd: Apr 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2019.

db/jdb
cr +Perry J. Rowan, Rose M. Rowan, 240 Kovalchecks Road, Carmichaels, PA 15320-2656
+Branch Banking and Trust, c/o Sally E. Edison, Spilman Thomas & Battle, PLLC,
One Oxford Centre, Suite 3440, 301 Grant Street, Pittsburgh, PA 15219-1407
cr +Caterpillar Financial Services Corporation, Buchanan Ingersoll & Rooney PC,
c/o Peter S. Russ, Esq., One Oxford Centre, 301 Grant Street, 20th Floor,
Pittsburgh, PA 15219-1412
cr +Caterpillar Financial Services Corporation, Buchanan Ingersoll & Rooney PC,
c/o Kelly M. Neal, Esq., One Oxford Centre, 301 Grant Street, 20th Floor,
Pittsburgh, PA 15219-1412
cr +First National Bank of Pennsylvania, c/o Donna Donaher, One North Shore Center,
12 Federal Street, First Floor, Pittsburgh, PA 15212-5752
14341252 +Allied Interstate, PO Box 361445, Columbus, OH 43236-1445
14341253 +American Express, PO Box 1270, Newark, NJ 07101-1270
14341254 +American Express, PO Box 981537, El Paso, TX 79998-1537
14344738 American Express Bank, FSB, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14341255 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886)
14658986 BANK OF AMERICA, N.A., PO BOX 31785, Tampa, FL 33631-3785
14341256 +Bank of the West, Bank Card Center, PO Box 84043, Columbus, GA 31908-4043
14341258 +Black Diamond Equipment Rental, 2080 Rail Street, Morgantown, WV 26501-7874
14341259 +Brown & Joseph, PO Box 59838, Schaumburg, IL 60159-0838
14341260 +Caterpillar Financial Services, PO Box 13834, Newark, NJ 07188-3834
14635019 +Caterpillar Financial Services Corporation, c/o Peter S. Russ, Esq.,
Buchanan Ingersoll & Rooney PC, One Oxford Centre, 20th fl., Pittsburgh, PA 15219-1400
14341261 Chase, Cardmember Services, PO Box 15153, Wilmington, DE 19886-5153
14341262 +Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
14885452 David W. Raphael, Esquire, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
14341268 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,
GRAND RAPIDS MI 49546-6253
(address filed with court: Fifth Third Bank, 38 Fountain Square Plaza,
Cincinnati, OH 45263)
14419410 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Company LLC, P.O. BOX 62180,
COLORADO SPRINGS, CO 80962)
14405018 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
14341270 +First National Bank, 3320 E State Street, Hermitage, PA 16148-3301
14420142 +First National Bank of Pennsylvania, c/o Donna Donaher, One North Shore Center,
12 Federal Street, 1st Floor, Pittsburgh, PA 15212-5752
14799104 First National Bank of Pennsylvania, c/o David W. Raphael, Esquire, Grenen & Birsic, PC,
One Gateway Center, 9th Floor, Pittsburgh, PA 15222
14341271 +Hillmeade Apartments, 6800 Highway 70 South, Nashville, TN 37221-2271
14341273 +Lease Operations, 111 Executive Center Drive, Suite 102, Columbia, SC 29210-8414
14341274 +MedicWest Ambulance, Inc., 50 south Main Street, Suite 401, Akron, OH 44308-1829
14341275 +Nashville Electronic Services, 1214 Church Street, Nashville, TN 37246-0002
14341263 +Navitas Credit Corp., c/o Cohn & Dussi, LLC, 500 West Cummings Park, Suite 2350,
Woburn, MA 01801-6544
14341276 +Navitas Credit Corp., 814 US Highway A1A N Ste 201, Ponte Vedra Beach, FL 32082-3269
14341279 +Pennsylvania Association of Credit Mgmt., 3737 Library Road, Pittsburgh, PA 15234-2232
14341280 +Q&M Construction, 1066 Fish Rdige Road, Cameron, WV 26033-2316
14341281 +Quality Asset Recovery, 7 Foster Ave, Ste 101, Gibbsboro, NJ 08026-1191
14341285 THD/CBNA, P O Box 6497, Sioux Falls, SD 57117-6497
14341288 +Tractor Supply/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
14341289 +Wade's Body & Frame Shop, 71 N. Maiden Street, Waynesburg, PA 15370-1713
14341290 +Whole Solutions, 1217 Salt Springs Road, Mineral Ridge, OH 44440-9331

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bankruptcy@bbandt.com Apr 13 2019 02:29:56 BRANCH BANKING AND TRUST COMPANY,
Branch Banking and Trust Company, 50 Aviemore Court, Pinehurst, NC 28374,
UNITED STATES 28374
14341257 +E-mail/Text: bankruptcy@bbandt.com Apr 13 2019 02:29:56 BB&T, PO Box 580340,
Charlotte, NC 28258-0340
14400657 +E-mail/Text: bankruptcy@bbandt.com Apr 13 2019 02:29:56 BB&T, Bankruptcy Section,
100-50-01-51, PO Box 1847, Wilson, NC 27894-1847
14341264 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 13 2019 02:30:00 Comenity Bank/GNDRMNT,
PO Box 182789, Columbus, OH 43218-2789
14341265 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 13 2019 02:30:00
Comenity Bank/Total Rewards Visa, PO Box 182789, Columbus, OH 43218-2789
14341266 +E-mail/Text: bankruptcy@credencerm.com Apr 13 2019 02:30:34 Credence Resource Mgmt,
17000 Dallas Parkway # 204, Dallas, TX 75248-1940
14341267 E-mail/Text: mrdiscen@discover.com Apr 13 2019 02:29:51 Discover Bank, PO Box 15316,
Wilmington, DE 19850
14410435 E-mail/Text: mrdiscen@discover.com Apr 13 2019 02:29:51 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 59

Date Rcvd: Apr 12, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14341272 +E-mail/Text: bankruptcy@huntington.com Apr 13 2019 02:30:12 Huntington National Bank,
PO Box 2059, Columbus, OH 43216-2059
14341277 +E-mail/Text: electronicbkydocs@nelnet.net Apr 13 2019 02:30:20 Nelnet,
3015 S Parker Rd Ste 400, Aurora, CO 80014-2904
14637956 E-mail/PDF: cbp@onemainfinancial.com Apr 13 2019 02:26:17 ONEMAIN, P.O. BOX 3251,
EVANSVILLE, IN 47731-3251
14341278 +E-mail/PDF: cbp@onemainfinancial.com Apr 13 2019 02:25:58 OneMain Financial, PO Box 1010,
Evansville, IN 47706-1010
14406852 +E-mail/PDF: resurgentbknotifications@resurgent.com Apr 13 2019 02:39:32
PYOD, LLC its successors and assigns as assignee, of Citibank, N.A.,
Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
14405383 E-mail/Text: bnc-quantum@quantum3group.com Apr 13 2019 02:30:04
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14341283 +E-mail/PDF: gecsedirecoverycorp.com Apr 13 2019 02:26:18 SYNCB/Lowes, PO Box 965005,
Orlando, FL 32896-5005
14341284 +E-mail/PDF: gecsedirecoverycorp.com Apr 13 2019 02:25:59 SYNCB/Wal-Mart, PO Box 965036,
Orlando, FL 32896-5036
14341282 +E-mail/Text: bankruptcy@bandt.com Apr 13 2019 02:30:04 Sheffield Financial Corp,
PO Box 1847, Wilson, NC 27894-1847
14341286 E-mail/Text: marisa.sheppard@timepayment.com Apr 13 2019 02:30:23 Time Payment Corp.,
10M Commerce Way, Woburn, MA 01801
14415845 +E-mail/Text: bankruptcy@huntington.com Apr 13 2019 02:30:13 The Huntington National Bank,
P.O. Box 89424, Cleveland, OH 44101-6424
14341287 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 13 2019 02:30:00 Total Rewards Visa,
PO Box 659584, San Antonio, TX 78265-9584
14405012 +E-mail/Text: electronicbkydocs@nelnet.net Apr 13 2019 02:30:20
US Department of Education c/o Nelnet, 121 South 13th Street, Suite 201,
Lincoln, NE 68508-1911

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank Of America, N.A.
cr Fifth Third Bank
cr Ford Motor Credit Company LLC
cr* American Express Bank, FSB, c/o Becket and Lee, LLP, PO Box 3001, Malvern, PA 19355-0701
14341269* ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,
GRAND RAPIDS MI 49546-6253
(address filed with court: Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45263)
14885451* +First National Bank, 3320 E State Street, Hermitage PA 16148-3301

TOTALS: 3, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Perry J. Rowan bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/mgillespie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@
hompsonattorney.com
Brian C. Thompson on behalf of Joint Debtor Rose M. Rowan bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/mgillespie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@
hompsonattorney.com
David W. Raphael on behalf of Creditor First National Bank of Pennsylvania
draphael@grenenbirsic.com, mcupec@grenenbirsic.com
Debra Lee Hovatter on behalf of Creditor BRANCH BANKING AND TRUST COMPANY
dhovatter@spilmanlaw.com

District/off: 0315-2

User: jhel
Form ID: 149

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Donna M. Donaher on behalf of Creditor First National Bank of Pennsylvania
donaherd@fnb-corp.com
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Bank Of America, N.A. pawb@fedphe.com,
james.prostko@phelanhallinan.com
James P. Valecko on behalf of Creditor Ford Motor Credit Company LLC jvalecko@weltman.com,
PitEc@weltman.com
Jeremy J. Kobeski on behalf of Creditor Bank Of America, N.A. pawb@fedphe.com
Kelly M. Neal on behalf of Creditor Caterpillar Financial Services Corporation
kelly.neal@bipc.com, donna.curcio@bipc.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Pamela J. Wilson on behalf of Trustee Pamela J. Wilson pwilson@epiqtrustee.com,
pwilson@ecf.axosfs.com
Peter S. Russ on behalf of Creditor Caterpillar Financial Services Corporation
peter.russ@bipc.com, steven.dewick@bipc.com;donna.curcio@bipc.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Sally E. Edison on behalf of Creditor Branch Banking and Trust sedison@spilmanlaw.com,
tcollins@spilmanlaw.com
Travis Knobbe on behalf of Creditor BRANCH BANKING AND TRUST COMPANY tknobbe@spilmanlaw.com,
jsteer@spilmanlaw.com

TOTAL: 16